IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 4814 of 2004(W)

PETITIONER:

V. PANKAJAM, 19/192, DEVIKRIPA,
POOTHOLE, THRISSUR-4.,
(RETD.HGIH SCHOOL ASST. KELAPPAN MEMMORIAL
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
THAVANOOR, MALAPPURAM DISTRICT.)

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

4. THE ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

5. THE PRINCIPAL, KELAPPAN MEMMORIAL
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
THAVANOOR, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4814/2004 W

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE GOVT. ORDER DT. 5/2/99.

EXT.P2. COPY OF THE GOVT. ORDER DT. 30/4/99.

EXT.P3. COPY OF THE ORDEROF THE R1 GOVT. DT. 22/6/99.

EXT.P4. COPY OF THE LETTER DT. 12/09/94 OF THE R4 TO THE R1 GOVT.

EXT.P5. COPY OF THE LETTER OF THE R1 DT. 25/10/94 TO THE R4.

EXT.P6. COPY OF THE ORDER OF THE R5 DT. 1/7/99 RE FIXING THE PAY OF THE PETITIONER.

EXT.P7. COPY OF THE LETTER OF THE R4 TO THE R3, DT. 14/6/00, WITH COPY OF THE PETITION.

EXT.P8. COPY OF THE LETTER OF THE R4 TO THE PETITIONER DT. 15/1/2001.

EXT.P9. COPY OF THE REPRESENTATION OF THE PETITIONER DT. 3/3/01 BEFORE THE R3.

EXT.P10. COPY OF THE LETTER OF THE R3 DT. 29/3/03 TO THE COUNSEL OF THE PETITIONER.

EXT.P11. COPY OF THE LETTER OF THE R3 TO THE R4 DT. 3/11/03.

EXT.P12. COPY OF THE ORDER DT. 5/4/03 OF THE R1 GOVT. PURPORTEDLY RELYING UPON WHICH EXT.P11.

RESPONDENT'S EXHIBITS **NIL**

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 4814 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

The issue raised in this writ petition is regarding the date of effect of re-option. It is settled law as per the judgment of this Court reported in ***State of Kerala vs. Lissy Joseph*** **(2005(4) KLT SN 70)** that it is the date of effect of re-option and not the date of making the re-option that is relevant. Therefore, I quash the interim orders.

2. There will be a direction to the respondents to take appropriate action in the light of the above decision for fixing and disbursing the amounts due to the petitioner, within a period of three months from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp